



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, DC

JUN 12 1998

Office of the Assistant Secretary

AFBCMR 96-02880

MEMORANDUM FOR THE CHIEF OF STAFF

Having received and considered the recommendation of the Air Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A Stat 116), it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED] be corrected to show that fourteen (14) days of leave were added to his leave account commencing 2 Oct 96; and, at the time of his release from active duty on 24 Jan 97, in addition to any other leave he may have sold, he was authorized to receive a cash settlement for an additional 14 days of unused accrued annual leave.

  
JOE G. LINEBERGER  
Director  
Air Force Review Boards Agency

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

JUN 12 1998

IN THE MATTER OF:

DOCKET NUMBER: 96-02880

[REDACTED]  
[REDACTED]  
COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

Fifty-one (51) days of leave be restored to his leave account.

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APPLICANT CONTENDS THAT:

While en route to his first permanent duty station at [REDACTED], he requested a humanitarian reassignment to [REDACTED]. He was told by the personnel at [REDACTED] not to report to [REDACTED].

Upon his completion of Air Base Ground Defense training at [REDACTED], in May 1993, he went to see his first sergeant about applying for a humanitarian assignment to [REDACTED], because his dependent mother was sick and under a doctor's care. The first sergeant told him he needed to go to [REDACTED], and get the paperwork started. He asked what would happen if the process took longer than the ten days that he was authorized for leave between technical school and his first duty station. He was told that the personnel at [REDACTED] would amend his orders if necessary. When he arrived in [REDACTED], he went to [REDACTED] and obtained the forms to start the request for a humanitarian assignment. He inquired at that time whether he should contact [REDACTED] and let them know he might be late, and he was told it was not necessary. After turning in the paperwork one week later, he again inquired about whether he should contact [REDACTED]. [REDACTED] was told that the Air Force would not pay to move him twice in one year, so he had to stay and wait for the approval.

Approximately one week later, he was told to come in and get another form that needed to be filled out by the doctor. He returned this form to [REDACTED], at which time they forwarded this letter to where his original package had been sent. Finally, after several more weeks, his request for a humanitarian reassignment was denied.

At this time the personnel at [REDACTED] amended his orders to include his mother, and changed his report not later than date. They advised him to contact the Traffic Management Office (TMO)

to arrange the shipment of his household goods. This process took approximately another week. Upon his arrival at [REDACTED], his orderly room did not know who he was or why he was there. He explained the situation that had evolved, and they appeared upset that he had not contacted them prior to this. However, at this time he was an airman basic, and was obeying instructions from a noncommissioned officer (NCO). He realizes today, as a senior airman, that he should have questioned this, but as an airman fresh out of training, he was still somewhat intimidated by NCOs. He also realizes he was in [REDACTED] for eighty-one days. However, he went to [REDACTED] for [REDACTED] appointments relating to his humanitarian re [REDACTED] and phoned daily. If he had realized the impact of this incident, he certainly would have handled the situation differently. He admits he was a naive airman. He was new to the military, and did not know how to go about getting things done. He did what he thought was correct by listening to the NCOs at [REDACTED]. By doing so, he ended up forfeiting his leave for that period.

In support of his appeal, the applicant provided copies of his permanent change of station (PCS) orders, amended orders, and leave report.

Applicant's complete submission is at Exhibit A.

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STATEMENT OF FACTS:

Information extracted from the Personnel Data System (PDS) indicates that the applicant was assigned to the Air Force Reserve, Obligated Reserve Section, on 25 Jan 97. He was credited with 4 years of Total Active Federal Service.

By letter, dated 8 Oct 96, the Commander's Programs Branch, AFPC/DPSFC, requested that the applicant provide supporting statements from individuals he talked to and who advised him regarding his application for a humanitarian assignment. DPSFC also requested that the applicant submit documents when he requested a humanitarian reassignment and when it was disapproved by AFPC (Exhibit B).

In an undated letter, the applicant provided a response to the AFPC/DPSFC letter, which is attached at Exhibit C.

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AIR FORCE EVALUATION:

The Commander's Programs Branch, AFPC/DPSFC, reviewed this application and recommended denial. According to DPSFC, the applicant's master military pay account showed 82 days leave, 29 May 93 to 18 Aug 93. Applicant enlisted on 25 Jan 93 and

normally would have been authorized 10 days leave en route to his first permanent duty station at [REDACTED]. He stated that he graduated from training at [REDACTED] on 28 May 93, and, on 31 May 93, while on leave en route to his first duty station, he submitted a request for humanitarian reassignment at [REDACTED]. He stated he was told by personnel at [REDACTED] not to report to [REDACTED]. He stated that after several weeks passed, his request was denied, and he reported to [REDACTED].

DPSFC indicated that the applicant responded to their request for more information and was unable to provide supportive statements or documents on his behalf. AFI 36-2110, attachment A7.9. 10.3, states, in part, "the time between the request submission and the approval authority response is leave." Further, AFI 36-3003, paragraph 4, states, in part, "charge leave when members are waiting the outcome of humanitarian reassignment requests." DPSFC stated that they contacted the humanitarian reassignment office which was unable to locate a case file due to lapse of time. Applicant did not file in a timely manner. In this case, they cannot support granting relief as they cannot find the Air Force culpable.

A complete copy of the AFPC/DPSFC evaluation is at Exhibit D.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Staff evaluation was forwarded to applicant on 10 Feb 97 for review and response. As of this date, no response has been received by this office (Exhibit E).

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THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
3. Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. Applicant asserts that he was improperly advised concerning the action he should have taken while awaiting the outcome of his humanitarian request. Therefore, he believes that the number of days from his original Report Not Later Than Date (RNLTD) to his actual arrival date at his new duty station, a total of 51 days, should be restored to his leave account. We find no evidence which supports his assertion, nor do we find that the applicant was charged leave contrary to governing regulation. Also, in our view, despite his allegations, the applicant should have at least attempted to contact his gaining unit regarding his situation.

Therefore, we believe he bears some responsibility for the resulting consequences. Accordingly, we are not inclined to offer him total relief. Notwithstanding the above, we do believe that he was the victim of an inordinate delay in the processing of his request. Furthermore, as a young airman on his first duty assignment, we believe it is conceivable that the applicant may have been naive concerning the ramifications involved in this matter. Therefore, to remove the possibility of an injustice, we believe some corrective action is warranted in this case. Accordingly, we recommend that 14 days of leave be added to the applicant's **FY97** leave account.

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**THE BOARD RECOMMENDS THAT:**

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that fourteen (14) days of leave were added to his leave account commencing 2 Oct 96; and, at the time of his release from active duty on 24 Jan 97, in addition to any other leave he may have sold, he was authorized to receive a cash settlement for an additional 14 days of unused accrued annual leave.

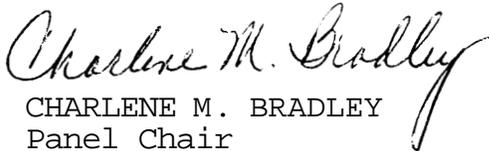
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The following members of the Board considered this application in Executive Session on 27 Jan 98, under the provisions of AFI 36-2603:

Ms. Charlene M. Bradley, Panel Chair  
Mr. Richard A. Peterson, Member  
Mr. Henry Romo, Jr., Member

All members voted to correct the records, as recommended. The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 25 Sep 96, w/atchs.  
Exhibit B. Letter, AFPC/DPSFC, dated 8 Oct 96.  
Exhibit C. Letter, applicant, undated.  
Exhibit D. Letter, AFPC/DPSFC, 14 Jan 97.  
Exhibit E. Letter, SAF/MIBR, dated 10 Feb 97.

  
CHARLENE M. BRADLEY  
Panel Chair